

influence the regulation. This action is not subject to EO 13045 because the final rule is based solely on technology performance.

*H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*

This direct final rule is not a "significant energy action" as defined in Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

*I. National Technology Transfer and Advancement Act*

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104-113 (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities, unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

*J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this direct final rule would not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because this rule will not change the level of health protection the rule provides to all affected populations, including any minority or low-income population.

*K. Congressional Review Act*

The Congressional Review Act, 5 U.S.C. 801, *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of Congress and to the Comptroller General of the United States. EPA will submit a report containing this direct final rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This direct final rule is not a "major rule" as defined by 5 U.S.C. 804(2). This direct final rule will be effective on September 16, 2010.

**List of Subjects in 40 CFR Part 63**

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: May 27, 2010.

**Lisa P. Jackson**,  
*Administrator.*

■ For the reasons set out in the preamble, title 40, chapter I, part 63, subpart CCCCCC of the Code of Federal Regulations is amended as follows:

**PART 63—[AMENDED]**

■ 1. The authority citation for part 63 continues to read as follows:

**Authority:** 42 U.S.C. 7401, *et seq.*

**Subpart CCCCCC—[Amended]**

■ 2. Section 63.11607 is amended by revising the definition of *Material containing HAP* to read as follows:

**§ 63.11607 What definitions apply to this subpart?**

\* \* \* \* \*

*Material containing HAP* means a material containing benzene, methylene chloride, or compounds of cadmium, chromium, lead, and/or nickel, in amounts greater than or equal to 0.1 percent by weight for carcinogens, as defined by the Occupational Safety and Health Administration at 29 CFR 1910.1200(d)(4), or 1.0 percent by weight for non-carcinogens, as shown in formulation data provided by the manufacturer or supplier, such as the Material Safety Data Sheet for the

material. Benzene and methylene chloride are volatile HAP. Compounds of cadmium, chromium, lead and/or nickel are metal HAP.

\* \* \* \* \*

[FR Doc. 2010-13384 Filed 6-2-10; 8:45 am]

**BILLING CODE 6560-50-P**

**FEDERAL MARITIME COMMISSION**

**46 CFR Part 501**

[Docket No. 10-04]

RIN 3072-AC37

**Agency Reorganization and Delegations of Authority; Correction**

**AGENCY:** Federal Maritime Commission.

**ACTION:** Correcting amendments.

**SUMMARY:** The Federal Maritime Commission (FMC or Commission) published in the **Federal Register** of May 26, 2010, the Final Rule for the reorganization of the Commission. The reference to the Commission's Office of Consumer Affairs and Dispute Resolution Services was inadvertently omitted from Lines of Responsibility and Functions of the Chairman. This document corrects the omission. This correction also adds the legend for the Commission's Organization Chart.

**DATES:** Effective June 3, 2010.

**FOR FURTHER INFORMATION CONTACT:** Rebecca A. Fenneman, General Counsel, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573, (202) 523-5740, [GeneralCounsel@fmc.gov](mailto:GeneralCounsel@fmc.gov).

**SUPPLEMENTARY INFORMATION:** The FMC published a Final Rule in the **Federal Register** on May 26, 2010 (75 FR 29451) concerning the reorganization of the Commission. The reference to the Commission's Office of Consumer Affairs and Dispute Resolution Services was inadvertently omitted from the Lines of Responsibility and Functions of the Chairman in sections 501.4 and 501.5. This document corrects the omission. This correction also adds the legend for the Commission's Organization Chart in Appendix A to Part 501 to assist in the understanding of the chart.

**List of Subjects in 46 CFR Part 501**

Administrative practice and procedure, Authority delegations, Organization and functions, Seals and insignia.

■ For the reasons stated in the supplementary information, the Federal Maritime Commission amends 46 CFR Part 501 as follows.

**PART 501—THE FEDERAL MARITIME COMMISSION—GENERAL**

■ 1. The authority citation for Part 501 continues to read as follows:

**Authority:** 5 U.S.C. 551–557, 701–706, 2903 and 6304; 31 U.S.C. 3721; 41 U.S.C. 414 and 418; 44 U.S.C. 501–520 and 3501–3520; 46 U.S.C. 301–307, 40101–41309, 42101–42109, 44101–44106; Reorganization Plan No. 7 of 1961, 26 FR 7315, August 12, 1961; Pub. L. 89–56, 70 Stat. 195; 5 CFR Part 2638; Pub. L. 104–320, 110 Stat. 3870.

**§ 501.4 [Amended]**

■ 2. In § 501.4(a), add “the Office of Consumer Affairs and Dispute Resolution Services” after “the Office of Administrative Law Judges” and before “the Office of Equal Employment Opportunity”.

**§ 501.5 [Amended]**

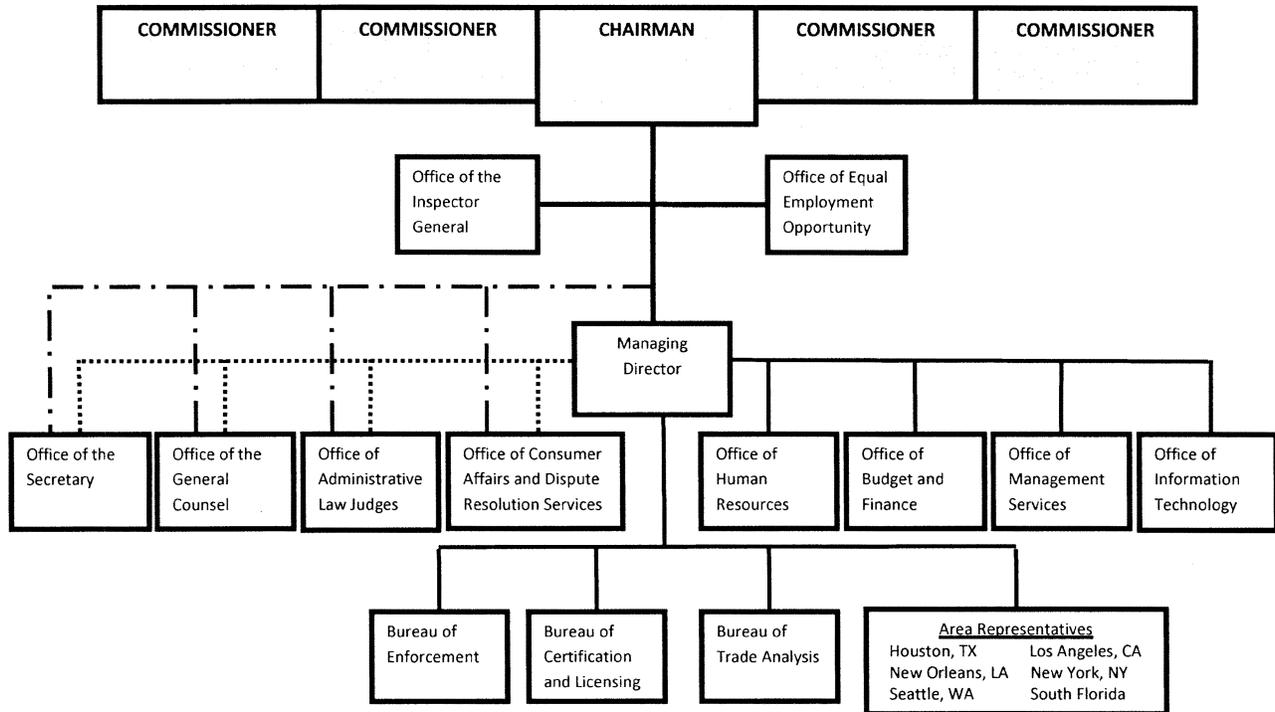
■ 3. In § 501.5(a), add “Consumer Affairs and Dispute Resolution Services” after

“Administrative Law Judges” and before “and Managing Director”.

■ 4. Revise Appendix A to Part 501 to read as follows:

**Appendix A to Part 501—Federal Maritime Commission Organization Chart**

**Federal Maritime Commission Organization Chart**



**Administrative Direction** .....  
**Technical Direction** .....  
**Effective January 31, 2010**

By the Commission.

**Karen V. Gregory,**

*Secretary.*

[FR Doc. 2010–13270 Filed 6–2–10; 8:45 am]

**BILLING CODE 6730–01–P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 0910131363–0087–02]

RIN 0648–XW74

**Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole, Flathead Sole, and “Other Flatfish” by Vessels Participating in the Amendment 80 Limited Access Fishery in Bering Sea and Aleutian Islands Management Area**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for rock sole, flathead sole, and “other flatfish” by vessels participating in the Amendment 80 limited access fishery in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2010 halibut bycatch allowance specified for the trawl rock sole, flathead sole, and “other flatfish” fishery category by vessels participating in the Amendment 80 limited access fishery in the BSAI.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), May 28, 2010, through 2400 hrs, A.l.t., December 31, 2010.

**FOR FURTHER INFORMATION CONTACT:** Steve Whitney, 907–586–7269.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI according to the Fishery